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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Masayoshi Nanami et al. )  
 )  
Assignee. : SANSIN KOGYO )  
KABUSHIKI KAISHA )  
 )  
Reissue of )  
Patent No. : 5,853,308 )  
 )  
Issued : December 29, 1998 )  
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For : ENGINE AND EXHAUST )  
SYSTEM FOR WATERCRAFT )

REISSUE APPLICATION DECLARATION UNDER 37 C.F.R. § 1.175 AND  
POWER OF ATTORNEY BY INVENTORS

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

We, the undersigned inventors hereby declare that:

1. Our residence, Post Office address and citizenship are stated below next to our names.
2. We believe that we are the original, first and joint inventors of the subject matter described and claimed in U.S. Patent No. 5,853,308 ("the '308 patent"), issued December 29, 1998, and of the subject matter disclosed and claimed in the accompanying reissue application.
3. We have reviewed and understand the contents of the specification (including the claims) of the accompanying reissue application.
4. We acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to us to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56. In compliance with this duty and in accordance with 37 CFR §§ 1.97-1.98, an Information Disclosure Statement is being submitted with the reissue application.

5. On information and belief, the '308 patent is partially inoperable by claiming less than we had a right to claim. Specifically, the insufficiency in the claims resides in the failure to present claims directed to a watercraft having an engine including an engine body, and an exhaust system having an expansion chamber, the engine body journaling a crankshaft and including an intake port on a first side of a plane passing through a cylinder axis and the rotational axis of the crankshaft, and an exhaust port of the opposite side of the plane, wherein the expansion chamber is positioned at least partially on the same side of the plane as the induction port. The new claims presented in the reissued application are directed to this feature, while the original claims of the '308 application are not.

6. Turning from the unclaimed subject matter at large to a specific reissue claim, the reissued application includes one new independent claim: Claim 27. The newly claimed subject matter of Claim 27 is best understood by a comparison with the original Claim 24 of the '308 patent. Presented below is a mock claim which illustrates the claim language common to Claims 24 and 27 in plain type, the claim language specific to Claim 24 in bolded and bracketed type, and the claim language specific to Claim 27 in underlined type:

A watercraft comprised of a hull defining an engine compartment, [a two-cycle, crankcase compression internal combustion] an engine contained within [said] the engine compartment, and an exhaust system extending from the engine to an exhaust discharge, the engine including an engine body [and having a crankcase chamber] journaling an output shaft to rotate about a rotational axis, the engine body[, a pair of cylinder blocks extending at a V-angle to each other and affixed to said crankcase chamber, each cylinder block] having at least one cylinder [bore] which defines a cylinder axis and [containing ]which contains a piston [for driving said] connected to the output shaft,[ said cylinder bores having axes lying on a plane that extends transversely to said output shaft, an induction system for said engine disposed substantially completely in a valley defined between said cylinder blocks for delivering at least an air charge to said crankcase chamber for transfer to combustion chambers formed above said pistons, and a pair of exhaust manifolds each affixed to a respective one of said cylinder blocks on the side thereof facing away from said valley, a pair of expansion chambers each positioned on a respective side of said engine and receiving exhaust gases from the respective exhaust manifold, and an exhaust system for discharging the

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exhaust gasses from said expansion chambers to the atmosphere comprising an exhaust pipe extending from each of said expansion chambers across the top of the engine to the rear of said engine], the engine body including at least one intake port provided on a first side of a plane which contains the cylinder axis and the rotational axis of the output shaft, and at least one exhaust port provided on a second side of the plane, opposite the first side, the exhaust system including an expansion chamber having upstream and downstream ends and having a diverging portion at the upstream end, at least a portion of the expansion chamber being positioned on the first side of the plane.

The above illustration clearly identifies the differences in the claimed subject matter and evidences the difference in scope between Claim 24 and reissue Claim 27. No original claim has a scope equal to that defined by reissue Claim 27.

7. On information and belief, all errors being corrected in the reissue application arose without any deceptive intent on the part of the Applicants.

8. We hereby appoint the registrants of Knobbe, Martens, Olson & Bear, LLP, 620 Newport Center Drive, Sixteenth Floor, Newport Beach, California 92660, Telephone (949) 760-0404, **Customer No. 20,995**, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith (if this application is assigned, we acknowledge that the appointed individuals do not represent us, and that instead they represent the assignee).

We have read and understand the foregoing statements of this Declaration. We declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of

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the United States Code and that such willful, false statements may jeopardize the validity of the application or patent issuing information.

Full name of first inventor: **Masayoshi Nanami**

Inventor's signature Masayoshi Nanami

Date July. 13. 2000.

Residence: **1400 Nippashi-cho, Hamamatsu-shi, Shizuoka-ken 438-8501, Japan**

Citizenship: **Japan**

Post Office Address: **Same as above**

Full name of second inventor: **Ryoichi Nakase**

Inventor's signature R Nakase

Date July. 17. 2000.

Residence: **1400 Nippashi-cho, Hamamatsu-shi, Shizuoka-ken 438-8501, Japan**

Citizenship: **Japan**

Post Office Address: **Same as above**

Full name of third inventor: **Tetsuya Mashiko**

Inventor's signature Tetsuya Mashiko

Date July. 13. 2000

Residence: **1400 Nippashi-cho, Hamamatsu-shi, Shizuoka-ken 438-8501, Japan**

Citizenship: **Japan**

Post Office Address: **Same as above**

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**REISSUE APPLICATION BY THE INVENTOR, OFFER TO SURRENDER  
(37 CFR 1.178)**

**TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:**

The undersigned applicant of the accompanying application for the reissue of letters patent for the improvement in ENGINE AND EXHAUST SYSTEM FOR WATERCRAFT, U.S. Patent No. 5,853,308, issued on December 29, 1998, of which SANSHIN KOGYO KABUSHIKI KAISHA is the sole owner by assignment, and on whose behalf and with whose assent this accompanying application is made, hereby offers to surrender said letter patent.

Filed herewith is an abstract of title, duly certified, in accordance with the requirements of 37 CFR 1.171.

Dated: July, 13, 2000.

Dated: July, 17, 2000.

Dated: July, 18, 2000

**APPLICANTS**

Masayoshi Nanami  
Masayoshi Nanami

R. Nakase  
Ryoichi Nakase

Tetsuya Mashiko  
Tetsuya Mashiko



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### ASSENT OF ASSIGNEE TO REISSUE

The undersigned is empowered to act on behalf of the assignee, SANSHIN KOGYO KABUSHIKI KAISHA ("Assignee").

In accordance with 37 CFR 3.37(b), Assignee represents that it is the assignee of the entire right, title and interest in the above-identified letters patent by virtue of an assignment from the inventor of said letters patent. The assignment was recorded in the U.S. Patent and Trademark Office at Reel 7266, Frame 0149. A copy of the assignment is attached.

The undersigned has reviewed all the documents in the chain of title of the letters patent identified above, and to the best of the undersigned's knowledge and belief, title is in the Assignee.

Assignee hereby assents to the accompanying application for reissue of the above-identified letters patent.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or patent issuing therefrom.

SANSHIN KOGYO KABUSHIKI KAISHA

Dated: July 17. 2000

[Signature]

Printed Name: Ryozo Okita

Title: General Manager Engineering Administration Div.